

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jones

Group Art Unit: 3671

Serial No.: 10/524,678

Examiner: Hartmann, Gary

Filed: 02/15/2005

For: IMPROVED ROAD REPAIR SYSTEMS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicants submit this statement in accordance with their duty of disclosure under 37 CFR 1.56 and 1.97-1.98. The submission made herewith is in no way intended as an admission that the cited items constitute material prior art or otherwise would render the claims unpatentable in any way. The submission also is in no way intended to substitute for the Examiner's own independent investigation.

Assignee would like to inform the patent office that the inventor of the present invention has become hostile to the Assignee. Accordingly, the inventor has filed a lawsuit in Europe against the Assignee. The inventor has challenged the patentability of his own invention in the European Courts. The enclosed papers were cited in the European proceeding. In this proceeding the inventor is attempting to destroy the rights he created for the Assignee (his former employer). The relationship has become adverse and the lawsuit is one of a series of activities in which the inventor has

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. section 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

Date: 3/5/10

Michelle Best
Signature
Michelle Best
(type or print name of person certifying)

attempted to undermine the activities of the assignee, other activities include but are not limited to an attempt by the inventor to instruct abandonment of the present application, in direct opposition to his fiduciary duties. Assignee no longer believes that the inventor of the present invention is an individual associated with the filing and prosecution of the patent application under 35 C.F.R. § 1.56; therefore, Assignee believes it is fruitless to continue to solicit information from the inventor. Furthermore, Assignee believes that all material information the inventor has become aware of has been presented in the litigation in Europe. It is noteworthy to acknowledge that in the United States the doctrine of Assignor Estoppel provides: "an equitable doctrine that prevents one who has assigned the rights to a patent (or patent application) from later contending that what was assigned is a nullity." *Dane Industries, Inc. v. Ameritek Industries LLC*, 154 Fed. Appx. 894, 897 (Fed. Cir. 2005) (quoting *Diamond Scientific Co. v. Ambico, Inc.*, 848 F.32d 1220, 1224 (Fed. Cir. 1988)).

Copies of foreign patent documents and non-patent literature together with a listing on form PTO/SB/08a are submitted herewith. Applicants respectfully solicit the Examiner's consideration of the cited references and entry thereof into the record of this application.

This Information Disclosure Statement is being submitted with a Request for Continued Examination. No fees are believed to be due, however, if any fee is due with the filing of his paper please charge the amount to deposit account 50-1097.

Date: March 9, 2010

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